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timony twice, thus giving it an importance to which it is not entitled. *Hersey v. Tully*, 8 Colo. App. 110, 44 Pac. 854. See *Westgate v. Aschenbrenner*, 39 Ill. App. 263. But see *Slack v. Stephens*, 19 Colo. App. 538, 76 Pac. 741.

It would seem that the rule laid down in the instant case is sound; since, in the last analysis, it should rest in the sound discretion of the trial court to grant or refuse such a request of the jury. *State v. Rubaka*, 82 Conn. 59, 72 Atl. 566; *State v. Manning*, *supra*. See *Merritt v. New York, etc., Ry. Co.*, 164 Mass. 440, 41 N. E. 667.

**TROVER AND CONVERSION—CORPORATE STOCK—REFUSAL TO TRANSFER.**—The plaintiff was the owner of certain shares of stock in defendant corporation, evidenced by certificates of large denominations. She applied to defendant to have the large certificates changed into smaller ones; but the defendant refused the request, claiming title to the stock in itself. Held, the refusal of the defendant for such reason is an unlawful assumption of ownership, and it is liable for conversion. *Robinson Mining Co. v. Riepe* (Nev.), 161 Pac. 304.

Any unauthorized assumption of dominion over another's chattel in denial of his right or inconsistent therewith constitutes an act of conversion. *Hartford Ice Co. v. Greenwoods Co.*, 61 Conn. 166, 23 Atl. 91, 29 Am. St. Rep. 189; *Adams v. Mizell*, 11 Ga. 106. It is well established that certificates evidencing shares of stock in a corporation may be subjects of conversion. See *Stewart v. Bright*, 6 Houst. (Del.), 344; *Dagget v. Davis*, 53 Mich. 35, 18 N. W. 548. And, in accordance with the general trend of authorities, it is held that trover will lie for the conversion of shares of stock, as contradistinguished from the certificates representing them. *Herrick v. Humphrey Hdw. Co.*, 73 Neb. 809, 103 N. W. 685, 11 Ann. Cas. 201; *Chew v. Louchheim*, 25 C. C. A. 596, 80 Fed. 500. See *Hagar v. Norton*, 188 Mass. 47, 73 N. E. 1073; *Gresham v. Island City Sav. Bank*, 2 Tex. Civ. App. 52, 21 S. W. 556. The Pennsylvania court, however, denies this right, basing its holding on the theory that shares of stock are intangible personalty and that an incorporeal thing cannot be converted. *Sewall v. Lancaster Bank*, 17 S. & R. (Pa.) 285; *Neiler v. Kelly*, 69 Pa. St. 407. But see *Pennsylvania Co. v. Philadelphia, etc., R. Co.*, 153 Pa. St. 160, 25 Atl. 1043; *Sparks v. Hurley*, 208 Pa. 166, 57 Atl. 364. This reasoning, however, is held untenable, and the tendency is toward holding that shares of stock are to be treated as other personalty. *Kuhn v. McAllister*, 96 U. S. 87. Thus, since shares of stock are deemed subject to conversion, it has been held that a wrongful refusal by a corporation to transfer stock on its books is an act of dominion wrongfully exercised over another's property, and may be treated as a conversion. *Bond v. Mt. Hope Iron Co.*, 99 Mass. 505; *Herrick v. Humphrey Hdw. Co.*, *supra*.

It would seem that the holding of the principal case is sound; since the refusal to transfer the shares on the books of the corporation hampers the owner in the exercise of his right of ownership, preventing him from transferring the shares in good faith, for he knows that such a transfer is, at best, but the assignment of a cause of action.